

NEW JERSEY STATE POLICE
OFFICE OF
PROFESSIONAL STANDARDS

INTERNAL INVESTIGATION AND
DISCIPLINARY PROCESS

ANNUAL REPORT
2015



HONOR ☆ DUTY ☆ FIDELITY

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FROM THE SUPERINTENDENT...

I am pleased to present the Governor, the Legislature and the citizens of New Jersey with the New Jersey State Police, *2015 Office of Professional Standards Annual Report* (“*the report*”). The State Police began producing this report in the year 2000 in response to legislation providing the public with an ability to examine the internal affairs function of the State Police and be reassured that it is truly operating in a trustworthy and acceptable manner. This year is no exception. Herein, the reader will find clearly presented topics, including descriptions of the current Office of Professional Standards (OPS) Table of Organization and related office functions, an explanation of the classification process for all reportable incidents, the system by which incidents are addressed and disposed of, and finally, a detailed analysis of the data compiled during 2015.

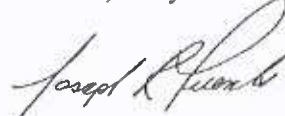
A law enforcement entity in a democratic society can tie its effectiveness directly to the level of trust it enjoys within the community it serves. A significant factor in gaining and maintaining that trust is ensuring that there is a strict allegiance to a highly professional and transparent internal affairs function. It follows that the execution of the internal affairs function within a professional law enforcement entity presents challenges that require constant and consistent vigilance. I believe that a fair review of the *2015 Annual Report* will support the conclusion that the New Jersey State Police maintains that level of vigilance.

This introduction will not restate all of the facts, figures and analysis articulated in this report, other than to remind the reader that troopers of the New Jersey State Police engaged in more than 1,621,000 police/citizen contacts during the calendar year 2015. Any single complaint reported to the OPS that was generated within that vast number of contacts was, without exception, assigned a number, classified, and addressed in accordance with established highly-reputable best practices.

In addition to adhering to best practices, we conduct further system checks and balances through an auditing process conducted by the Office of Law Enforcement Professional Standards (OLEPS), Office of the Attorney General. Twice annually, OLEPS conducts a comprehensive audit of the OPS functions, including a thorough critique of all misconduct cases closed during the period under review. To date, these audits support the conclusion that OPS continues to operate at the highest levels of proficiency and police accountability.

My personal commitment to the mission of the Office of Professional Standards is unwavering. I want to express my sincere appreciation for the hard work and dedication of the men and women of that office as, once again, I present to you the *2015 Office of Professional Standards Annual Report*.

Honor, Duty and Fidelity,



Joseph R. Fuentes
Colonel
Superintendent

EXECUTIVE SUMMARY

This report is intended to provide the Governor, State Legislature, the citizens of the State of New Jersey, and all other interested parties a brief history of the State Police internal affairs process and a comprehensive look at the disciplinary system employed by the Division. Included in the report are explanations of how the Division receives complaints, classifies the allegations, assigns cases for investigation, and adjudicates substantiated charges against enlisted members. The report also provides overviews of major and minor discipline imposed in 2015 as the result of substantiated allegations and other actions taken by the Division to address aberrant behavior.

OFFICE OF PROFESSIONAL STANDARDS

In 1999, the Attorney General's Office conducted a review of the Division's disciplinary system. As a result of this review, the Internal Affairs Bureau was reorganized and the Office of Professional Standards was established. The investigative and adjudication functions were transferred from the Division Staff Section and placed under the control of a major, reporting directly to the Superintendent. During 2001, the Division Standing Operating Procedure that governs the Office of Professional Standards was completely revised, and the new policy was adopted in January 2002. This revision resulted in the formation of two distinct bureaus within the office. On December 31, 2015, the Office of Professional Standards consisted of fifty-seven (57) persons. This includes seven (7) professional support personnel and fifty (50) enlisted persons. This figure represents an overall increase of one (1) additional member over the previous year.

INTERNAL AFFAIRS INVESTIGATION BUREAU

The Internal Affairs Investigation Bureau is responsible for investigating all misconduct complaints made against enlisted members of the State Police. This bureau is commanded by a captain holding the position of bureau chief. The bureau also has an assistant bureau chief holding the rank of lieutenant. In addition, there are regional field units staffed with investigators, which are located in the northern, central and southern parts of the state.

INTAKE AND ADJUDICATION BUREAU

The Intake and Adjudication Bureau is commanded by a captain, as bureau chief, and a lieutenant, as assistant bureau chief. The bureau is divided into four (4) units with varying responsibilities:

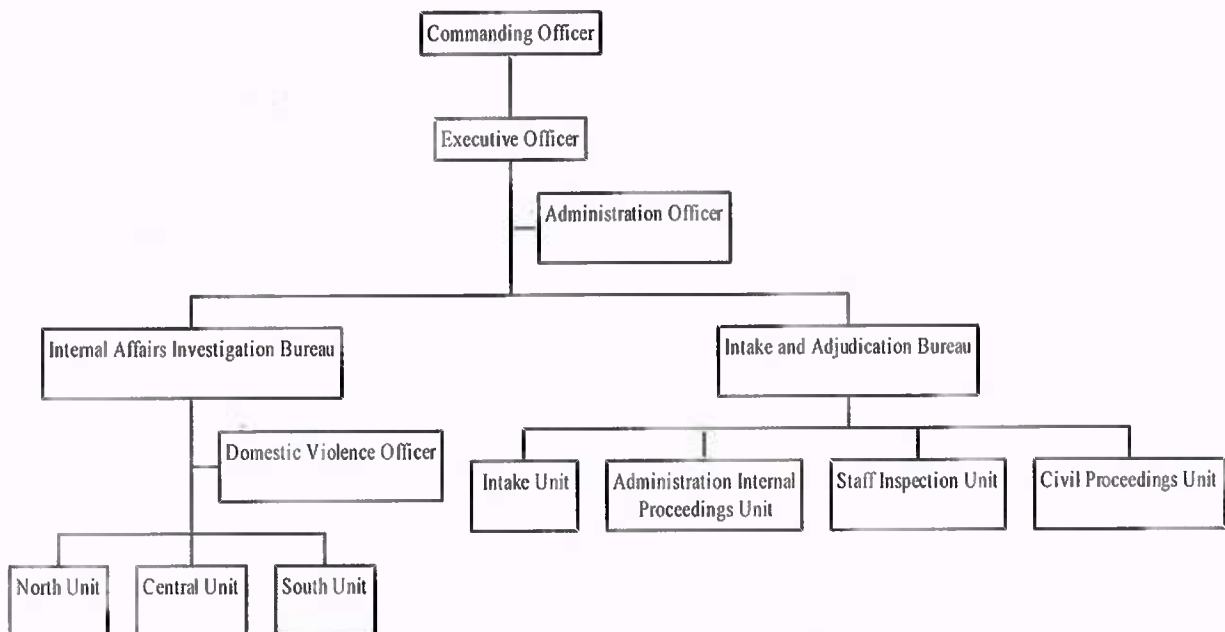
Intake Unit: This unit accepts, classifies, and assigns or refers all reportable incidents received by the Office of Professional Standards. This unit is also responsible for notifying complainants of the Division's response to their complaints.

Administrative Internal Proceedings Unit: This unit is responsible for the adjudication of substantiated allegations, convening disciplinary hearings and serving as a liaison between the Office of Professional Standards, the Office of the Attorney General, the Office of Law Enforcement Professional Standards, and the Office of Administrative Law.

Staff Inspection Unit: This unit is responsible for instructing field officers in proper inspection techniques, reviewing inspection reports submitted by field supervisors, conducting evidence and administration inspections of stations and field units, and examining supervisory mobile video recording reviews.

Civil Proceedings Unit: This unit is responsible for recording, classifying, and tracking all civil actions filed against the Division or its individual members. The unit reviews and forwards all requests for legal representation to the proper agency, whether criminal or civil. Further, the unit acts as liaison between the Superintendent's Office, the Chief of Staff and the Office of Professional Standards Commanding Officer to the appropriate personnel within the Attorney General's Office regarding civil litigation matters. In addition, the unit compiles and provides, in a timely and thorough manner, all requested discovery related to civil litigation to the Attorney General's Office. The unit is also charged with researching policies, procedures, training and disciplinary issues in relation to legal matters concerning the Division. Finally, the unit ensures all requests for public records are handled in accordance with the procedures set forth in S.O.P. D4, and the Open Public Records Act.

Office of Professional Standards 2015 Organizational Chart



OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

In recognition of the strong public policy interest in perpetuating the quality and standards established under the 1999 Consent Decree, on August 27, 2009, the Legislature enacted the Law Enforcement Professional Standards Act of 2009, L. 2009, c. 52:17B-222 et seq. This Act established the Office of Law Enforcement Professional Standards (OLEPS) within the Office of the Attorney General. OLEPS was formed to assume the functions that had been performed by the independent monitoring team under the consent decree.

As part of its statutory responsibilities, OLEPS reviews all Division rules, regulations, standing operating procedures and operations instructions relating to the consent decree. This ensures that the Division maintains or enhances its practices on matters pertaining to any applicable nondiscriminatory policy established by the Attorney General, affecting, for example, the laws of arrest and search and seizure, documentation of motor vehicle stops and other law enforcement activities occurring during the course of motor vehicle stops.

The Act further authorizes OLEPS to conduct operations audits and independent analyses of data, as necessary, to identify any potential disparity in enforcement and systemic problems that may exist. These audits examine the integrity of motor vehicle stops, post-stop enforcement actions, supervision of patrol activities, training provided to Division members assigned to patrol duties, investigations of alleged misconduct and other matters affecting the integrity of the Division. Based on its audits, OLEPS is required to prepare a biannual report that evaluates the Division's compliance with relevant performance standards and procedures that include aggregate statistics on the Division's traffic enforcement activities and procedures, segregated by Division station and providing aggregate data on race and ethnicity of the civilians involved. The biannual report also provides aggregate data regarding misconduct investigations, the number of external, internal and total complaints received, and the disposition of those complaints.

The Attorney General and the Division are dedicated to serving the public and to providing the most vigorous, lawful, and nondiscriminatory implementation of law enforcement practices and procedures possible.

STATE POLICE DISCIPLINARY PROCESS

The New Jersey State Police is a statewide police organization that provides a full range of police services. The Division is comprised of three thousand, nine hundred sixty six (3,966) employees, of which two thousand, six hundred (2,600) are sworn members, and one thousand, three hundred sixty six (1,366) are civilian members.¹

Due to the unique mission of the New Jersey State Police, the Office of Professional Standards is tasked with handling complaints from the public regarding troopers' conduct, as well as allegations of criminal conduct by members.

In 2015, troopers were involved in excess of one million, six hundred twenty-one thousand (1,621,000) police/citizen contacts. Though most of these interactions were routine, many involved stressful and critical situations.

¹ As of December 2015